

3. Attached as Exhibit 1 is a true and correct copy of Stipulation and Order of Settlement

and Partial Dismissal, dated September 6, 2012.

4. Attached as Exhibit 2 is a true and correct copy of POCR Sample as provided by Defendants via email on January 30, 2013 per the Stipulation and Order of Settlement and Partial Dismissal, dated September 6, 2012.

5. Attached as Exhibit 3 is a true and correct copy of Amended Declaration of Ryan Law as provided by Defendants via email on January 30, 2013 per the Stipulation and Order of Settlement and Partial Dismissal, dated September 6, 2012.

6. Attached as Exhibit 4 is a true and correct copy of Vaughn Index as provided by Defendants via email on January 30, 2013 per the Stipulation and Order of Settlement and Partial Dismissal, dated September 6, 2012.

7. Attached as Exhibit 5 is a true and correct copy of the parties' Joint Letter to the Honorable Richard M. Berman, dated January 7, 2013.

8. Attached as Exhibit 6 is a chart listing each of the disputed data points along with a brief description.

9. Attached as Exhibit 7 is a true and correct copy of Transcript of Status Hearing Before Honorable Richard M. Berman, dated January 23, 2013.

10. The operative Complaint, dkt. 11-cv-3786 (RMB), is incorporated by reference in this motion. The Complaint includes its own exhibits, some of which are cited in Plaintiffs' Statement of Material Facts Pursuant to Local Rule 56.1 as follows:

a. Complaint Exhibit B is: General Accounting Office, *Immigration Enforcement: Better Data and Controls Are Needed to Assure Consistency with the Supreme Court Decision on Long-Term Alien Detention*, GAO-04-434, at 3-5 (May 2004).

b. Complaint Exhibit C is: Dep't of Homeland Security Office of the Inspector General,

*ICE's Compliance with Detention Limits for Aliens with a Final Order of Removal from the United States*, OIG-07-28 (February 2007).

c. Complaint Exhibit D is: Kathleen Glynn & Sarah Bronstein, *Systemic Problems Persist in U.S. ICE Custody Reviews for "Indefinite" Detainees*, at 1-2 (Catholic Legal Immigration Network, Inc. 2005).

d. Complaint Exhibit A is: Letter from J. Rabinovitz to C. Pavlik-Keenan, K. Gallo, and C. Papoi, Subject Line: "RE: FOIA Request for Records Related to the Post-Order Custody Review Process (POCR)," dated January 13, 2009 ("First FOIA Request").

e. Complaint Exhibit L is: Letter from J. Rabinovitz to C. Pavlik-Keenan, Subject Line: "RE: Follow-up FOIA Request for Records Related to Nearly 6000 Prolonged Immigration Detainees Released from ICE Custody After Winning Their Removal Cases," dated September 21, 2010 ("Second FOIA Request").

f. Complaint Exhibit T is: Letter from J. Rabinovitz to C. Pavlik-Keenan and C. Papoi, Subject Line: "RE: Second FOIA Request for Records Related to the Post-Order Custody Review Process," dated September 21, 2010 ("Third FOIA Request").

11. Spreadsheets emailed by Defendants to Plaintiffs on November 30, 2012 are incorporated by reference in this motion.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
February 27, 2013



Richard G. Leland  
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